

## **EXHIBIT “2”**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Creedon Controls, Inc., a Delaware corporation, )  
 ) C. A. No. 05CV300 (JJF)  
Plaintiff, )  
 )  
v. )  
 )  
Banc One Building Corporation, an Illinois )  
corporation; and Forest Electric Corporation, a )  
New York corporation, )  
 )  
Defendants. )

**AFFIDAVIT OF PATRICIA CREEDON**

STATE OF DELAWARE :  
 : SS  
NEW CASTLE COUNTY :

BEING FIRST DULY SWORN, according to law, **PATRICIA CREEDON** did depose and state as follows:

1. That she is President of Creedon Controls, Inc., Plaintiff in this action; and she makes this Affidavit in opposition to the claim of Defendants that the bid and pricing data of other trades involved in the Project is "confidential" or "highly confidential."

2. That bid and pricing data is composed of numerous elements. Most contractors, and particularly electrical contractors, and, to my knowledge, all contractors bidding on either Banc One Data Center projects are members of the National Electrical Contractors Association ("NECA"). There are therefore fixed wages and fringe benefits.

3. Another factor is unemployment and worker's compensation insurance costs which are fixed and cannot be adjusted. Knowing the cost of competitors is of no significance.


4. The determination of profit and overhead desired is the subjective factor in such

pricing. Profit and overhead are driven by the desires of a company, and by volume and costs for each company for a given year. After that year, and certainly after the passage of two to three years, such data becomes stale, and would provide no competitive advantage to other contractors in the same trade.

4. That Defendants have refused to provide the contract balance and any damage for delays. Because of their efforts to "squeeze" Creedon Controls, Inc., and in order to minimize costs, it is imperative that I become personally involved in this litigation, and review evidence and assist counsel for CCI to review of documents and in preparation of this case for trial.

  
Patricia Creedon

Sworn to and subscribed before me this 6th day of March 2006.

  
Notarial Officer/Notary Public

RKB/msj  
06894-0001

**LORI M. WHITLOCK**  
**NOTARY PUBLIC**  
**STATE OF DELAWARE**  
**My Commission Expires May 30, 2007**